

Claims 1-24 remain in the application. Claims 2, 4, 6 and 13-24 are withdrawn from consideration.

Applicant maintains that gallium is *not* a transitional element and, therefore, believes that it is *not* necessary to amend the claims as discussed on the telephone between Examiner and Counsel, in order to place the above-identified application in condition for allowance.

In the *Response to Arguments* on page 4 of the Office action dated June 4, 2002, the Examiner stated that "US patents US705685, US5990348, US6043184, and US6060419, presented as the evidence, clearly teach that gallium is a transitional element."

US 705,685 (*Lyons*) was issued on July 29, 1902, and which is in regard to telephony. US 705,685 mentions neither "transition metals" nor "Gallium", and is in a field of "telephony" which is a completely different field of technology than the field of technology of the instant application. It is assumed that either the patent number cited by the Examiner is incorrect or that the Examiner may have confused the name of the inventor Joseph Lyons of US 705,685 with the name of the (co)inventor, James E. Lyons, of US 5,990,348, US 6,043,184, and US 6,060,419.

US 5,990,348 (Lyons et al.) concerns the conversion of alkanes to unsaturated carboxylic acids over heteropoly acids supported on polyoxometallate salts. In column 8, lines 2-5, (similarly, column 10, lines 23-27, and column 14, lines 45-48) Lyons et al. state that "X is a Group IIIB, IVB, VB, VIB or transition element, such as phosphorus, silicon, gallium, aluminum, arsenic, germanium, boron, cobalt, cerium, praseodymium, uranium and thorium" (emphasis added). It is believed that the Examiner's insistence that Gallium is a transition metal is based on this passage.

However, the above-noted passage does not state that gallium is a transition metal. The list "such as phosphorus, silicon, gallium, aluminum, arsenic, germanium, boron, cobalt, cerium, praseodymium, uranium and thorium" refers to all of the terms listed before this explanatory list, i.e., groups IIIB, IVB, VB, and VIB, *and* transition elements, but not transition metals alone.

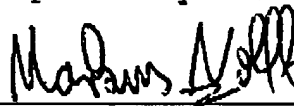
The same applies to the other references, US 6,060,419 (Wijesekera et al.) and US 6,043,184 (Karmakar et al.) cited by the Examiner. Both of these references use the same definition as used in US 5,990,348 (it is assumed because these references appear have the same (co)inventor).

Therefore, the Examiner's insistence that Gallium is a transition element is based on an incorrect interpretation of the above-noted passages in the US 5,990,348, US 6,060,419 and US 6,043,184. US 705,685 is of no relevance regarding the instant application.

For a more detailed discussion of the invention of the instant application, the applied prior art and how the invention of the instant application differs from or distinguishes over the applied prior art, the Examiner is respectfully directed to the arguments brought forth in the previous response.

In view of the foregoing, reconsideration and allowance of claims 1, 3, 5 and 7-12 are solicited.

Respectfully submitted,


For Applicant

MARKUS NOLFF
REG. NO. 37,008

MN:cgm

December 4, 2002

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101